

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>JAMES LYNN GARRETT and</b>	)	
<b>SHANNON MARIE GARRETT</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 07 C 6882</b>
	)	
	)	<b>Judge Guzman</b>
<b>THE ILLINOIS STATE</b>	)	
<b>TOLL HIGHWAY AUTHORITY,</b>	)	<b>Magistrate Judge Cox</b>
<b>FREDDY DICKERSON, MARIO</b>	)	
<b>CALABRESE, PAUL EDWARD</b>	)	
<b>GONZALEZ, JOHN BENDA,</b>	)	
<b>DONALD J. McLENNAN, STEVEN</b>	)	
<b>T. MUSSER, and MICHAEL ZADEL</b>	)	
	)	
<b>Defendants</b>	)	

**DEFENDANT'S MOTION TO DISMISS**

Now come the defendants, the ILLINOIS STATE TOLL HIGHWAY AUTHORITY, FREDDY DICKERSON, MARIO CALABRESE, PAUL EDWARD GONZALEZ, JOHN BENDA, DONALD J. McLENNAN, STEVEN T. MUSSER, and MICHAEL ZADEL, by their attorney, LISA MADIGAN, Attorney General of the State of Illinois, and LARRY R. WIKOFF and TIFFANY I. BOHN, Assistant Attorneys General, and move this Honorable Court, pursuant to Illinois Code of Civil Procedure, Section 2-619(a)(3), [735 ILCS 5/2-619 (a)(3)] West 2008, to dismiss this action or in the alternative to abstain from exercising jurisdiction and to hold the matter in abeyance and stay all proceedings pursuant to the Colorado River<sup>1</sup> doctrine of abstention based upon the fact that there are currently pending parallel actions in the Circuit

---

<sup>1</sup> Colorado River Water Conservation Dist. v. United States, 424 U.S. 800 (1976).

Court of Cook County, Illinois which involve substantially the same parties, facts, legal issues, and which arise out of the same occurrence.

LISA MADIGAN,  
Attorney General State of Illinois

Respectfully submitted,  
Illinois State Toll Highway Authority

---

Larry R. Wikoff,  
Assistant Attorney General  
Attorney for Defendants

Larry R. Wikoff  
2700 Ogden Avenue  
Downers Grove, IL 60515  
(630) 241-6800 x 1505  
ARDC No. 3013898

